

CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:08-cv-01003-RJL**

AMERICAN CIVIL LIBERTIES UNION et al v.
DEPARTMENT OF DEFENSE et al
Assigned to: Judge Richard J. Leon
Cause: 05:552 Freedom of Information Act

Date Filed: 06/12/2008
Date Terminated: 04/30/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **Arthur B. Spitzer**
AMERICAN CIVIL LIBERTIES UNION
OF THE NATION'S CAPITAL
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**

represented by **Arthur B. Spitzer**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Marcia Kay Sowles**
U.S. DEPARTMENT OF JUSTICE
20 Massachusetts Avenue, NW
Room 7108
Washington, DC 20530
(202) 514-4960
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF JUSTICE

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Marcia Kay Sowles**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/12/2008	<u>1</u>	COMPLAINT against DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 350, receipt number 4616012946) filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 06/13/2008)
06/12/2008		SUMMONS (5) Issued as to DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 06/13/2008)
06/19/2008	<u>2</u>	STANDING ORDER. Signed by Judge Richard J. Leon on 6/19/2008. (lcrjl1) (Entered: 06/19/2008)
06/25/2008	<u>3</u>	NOTICE of Service of Case Management Order on Defendants by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION re <u>2</u> Order (Spitzer, Arthur) (Entered: 06/25/2008)
07/07/2008	<u>4</u>	SUMMONS Returned Executed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. DEPARTMENT OF DEFENSE served on 6/17/2008, answer due 7/17/2008. (Spitzer, Arthur) (Entered: 07/07/2008)
07/07/2008	<u>5</u>	SUMMONS Returned Executed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. DEPARTMENT OF JUSTICE served on 6/16/2008, answer due 7/16/2008. (Spitzer, Arthur) (Entered: 07/07/2008)
07/07/2008	<u>6</u>	SUMMONS Returned Executed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. FEDERAL BUREAU OF INVESTIGATION served on 6/17/2008, answer due 7/17/2008. (Spitzer, Arthur) (Entered: 07/07/2008)
07/07/2008	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 06/16/2008. (Spitzer, Arthur) (Entered: 07/07/2008)
07/07/2008	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. (Spitzer, Arthur) (Entered: 07/07/2008)
07/21/2008	<u>9</u>	NOTICE of Appearance by Marcia Kay Sowles on behalf of all defendants (Sowles, Marcia) (Entered: 07/21/2008)
07/21/2008	<u>10</u>	Defendants' ANSWER to <u>1</u> Complaint, by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. Related document: <u>1</u> Complaint, filed by AMERICAN CIVIL LIBERTIES UNION FOUNDATION, AMERICAN CIVIL LIBERTIES UNION.(Sowles, Marcia) (Entered: 07/21/2008)
02/04/2009	<u>11</u>	ORDER, Ordered that within twenty-one days of the date of this Order, the parties shall jointly prepare and submit a statement to the Court which (1) indicates whether they believe the matter will be resolved solely through the filing of dispositive motions and proposes a scheduling timeline for the filing of such motions; and (2) indicates whether or not they believe an appearance before the Court will be necessary prior to resolution of the dispositive motions. Signed by Judge Richard J. Leon on 2/3/09. (kc) (Entered: 02/04/2009)
02/23/2009	<u>12</u>	STATUS REPORT Pursuant to Court's Order dated Feb. 3, 2009 by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Sowles, Marcia) (Entered: 02/23/2009)
03/17/2009	<u>13</u>	STATUS REPORT , <i>Second Joint Status Report</i> , by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Spitzer, Arthur) (Entered: 03/17/2009)
03/19/2009		Set/Reset Deadlines: Plaintiffs' motion for partial summary judgment due by 4/10/2009. (lcrjl1) (Entered: 03/19/2009)

04/10/2009	<u>14</u>	MOTION for Partial Summary Judgment by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Declaration of Jameel Jaffer, # <u>3</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 04/10/2009)
04/21/2009	<u>15</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Partial Summary Judgment by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order)(Sowles, Marcia) (Entered: 04/21/2009)
04/22/2009		MINUTE ORDER granting <u>15</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Partial Summary Judgment by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. It is hereby ORDERED that the motion is GRANTED. Defendants shall have until 5/8/2009 to file their opposition to plaintiff's motion for partial summary judgment. Signed by Judge Richard J. Leon on 4/22/2009. (lcrjl1) (Entered: 04/22/2009)
04/22/2009		Set/Reset Deadlines: Defendants opposition to plaintiff's motion for partial summary judgment due by 5/8/2009 (kc) (Entered: 04/22/2009)
05/08/2009	<u>16</u>	Memorandum in opposition to re <u>14</u> MOTION for Partial Summary Judgment filed by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Exhibit 1 — Declaration of Gail Robinson, # <u>2</u> Exhibit 2 — Declaration of David Hardy, # <u>3</u> Attachments to Declaration of David Hardy, # <u>4</u> Exhibit 3 — Declaration of Russell Leavitt, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5 — Declaration of Richard Rogers, # <u>7</u> Exhibit 6 — Declaration of Wendy Hilton, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Defendants' Reply to Statement of Material Facts in Support of Plaintiffs' Motion for Summary Judgment, # <u>11</u> Text of Proposed Order)(Sowles, Marcia) (Entered: 05/08/2009)
05/20/2009	<u>17</u>	REPLY to opposition to motion re <u>14</u> MOTION for Partial Summary Judgment filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Second declaration of Jameel Jaffer)(Spitzer, Arthur) (Entered: 05/20/2009)
10/20/2009		MINUTE ORDER denying <u>14</u> Plaintiffs' Motion for Partial Summary Judgment. It is hereby ORDERED that Plaintiffs' motion is DENIED. Signed by Judge Richard J. Leon on 10/19/2009. (lcrjl1) (Entered: 10/20/2009)
04/14/2010	<u>18</u>	ORDER, On October 20, 2009, the Court denied plaintiffs' Motion for Partial Summary Judgment. Since that time, there has been no activity in this case. Accordingly, it is hereby ORDERED that the parties shall prepare and submit a joint report and proposed scheduling order within 14 days of this Order setting forth a timetable for resolving this case. SO ORDERED. Signed by Judge Richard J. Leon on 4/13/10. (see order.) (kc) (Entered: 04/14/2010)
04/27/2010	<u>19</u>	STATUS REPORT <i>filed Jointly by Parties pursuant to Court's Order of April 13, 2010</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(Sowles, Marcia) (Entered: 04/27/2010)
07/30/2010	<u>20</u>	NOTICE of Filing by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION re <u>19</u> Status Report (Sowles, Marcia) (Entered: 07/30/2010)
01/24/2012	<u>21</u>	ORDER, Ordered that the plaintiff shall show cause in writing within 30 days of this order why the action should not be dismissed for failure to prosecute pursuant to local rule 83.23; and it is further Ordered that failure to file a timely response may result in the dismissal of this action. SO ORDERED. Signed by Judge Richard J. Leon on 1/23/2012. (see order) (kc) (Entered: 01/24/2012)
01/26/2012	<u>22</u>	RESPONSE TO ORDER TO SHOW CAUSE by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION re <u>21</u> Order,. (Attachments: # <u>1</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 01/26/2012)

01/30/2012	<u>23</u>	REPLY re <u>22</u> Response to Order to Show Cause filed by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION. (Sowles, Marcia) (Entered: 01/30/2012)
02/06/2012	<u>24</u>	ORDER, Upon consideration of plaintiffs' response to this Court's January 24, 2012, order to show cause why this action should not be dismissed for failure to prosecute, it is hereby ORDERED that the order to show cause is hereby discharged; and it is further ORDERED that the defendants shall complete their processing of plaintiffs' FOIA request within fourteen days of the date of this Order; and it is further ORDERED that the parties shall thereafter confer and report to the Court within thirty days whether plaintiffs will challenge any of the defendants' decisions to withhold requested records. If so, the parties shall submit a proposed schedule for briefing cross-motions for summary judgment. Signed by Judge Richard J. Leon on 1/31/2012. (see order) (kc) (Entered: 02/06/2012)
02/17/2012	<u>25</u>	NOTICE of the completion of the processing and production for Plaintiffs' FOIA request by DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION re <u>24</u> Order,,, (Sowles, Marcia) (Entered: 02/17/2012)
03/21/2012	<u>26</u>	STATUS REPORT (Joint) by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Abdo, Alexander) (Entered: 03/21/2012)
03/22/2012		MINUTE ORDER, In light of the parties' joint status report, filed March 21, 2012, it is hereby ORDERED that the parties shall file either a joint stipulation of dismissal or a further joint status report by April 27, 2012. Directed by Judge Richard J. Leon on 3/22/2012. (kc) (Entered: 03/22/2012)
04/27/2012	<u>27</u>	STIPULATION of Dismissal with Prejudice by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Abdo, Alexander) (Entered: 04/27/2012)